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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LAUREN E. SUMMA, on behalf of herself	:	
individually, and on behalf of all similarly	:	Case No.: 07-CV-3307
situated employees,	:	(DRH)(ARL)
	:	
Plaintiff,	:	
	:	ECF Case
against	:	
	:	
HOFSTRA UNIVERSITY,	:	
	:	
Defendant.	:	
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**DEFENDANT'S NOTICE OF MOTION TO DISMISS  
COUNTS III AND IV OF PLAINTIFF'S COMPLAINT**

Please take notice that upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss Counts III and IV of Plaintiff's Complaint, the annexed Declaration of Julie Block Esq. dated September 25, 2007 and the exhibits thereto and the annexed Affidavit of Dr. Herman A. Berliner dated November 28, 2007 and the exhibits thereto, Defendant Hofstra University will move this Court at the United States Courthouse, 100 Federal Plaza, Central Islip, New York 11722 at a date and a time

to be set by the Court, for an order under Federal Rule of Civil Procedure 12(b)(6) dismissing Counts III and IV of the Complaint filed by Plaintiff Lauren E. Summa against Defendant with prejudice and for such other relief as this Court may deem just and proper.

Please take further notice that, pursuant to Local Civil Rule 6.1 and Judge Denis R. Hurley's Order dated November 7, 2007, Plaintiff's papers in opposition, must be served on or before December 21, 2007.

Please take further notice that, pursuant to Local Civil Rule 6.1 and Judge Denis R. Hurley's Order dated November 7, 2007, Defendant shall serve reply papers, if any, and file all papers with the Court including a courtesy copy for Chambers on or before January 11, 2008.

Dated: November 30, 2007  
New York, New York

PROSKAUER ROSE LLP

By: s/ Elise M. Bloom  
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